

Frederick County Ethics Commission
Minutes for the Public Meeting of Wednesday, February 14, 2018

Present: Stephen K. Hess, Chair
M. Shane Canfield, Commission Member
Christopher D. Glass, Sr., Commission Member
Ernest A. Heller, Commission Member
Alan Shapiro, Commission Member
Linda B. Thall, Senior Assistant County Attorney

Absent: Timothy J. Tosten, Vice Chair
Deborah L. Lundahl, Commission Member
Deidre R. Davidson, Alternate Commission Member

The meeting of the Frederick County Ethics Commission began at 7:00 p.m. on February 14, 2018, in the Winchester Hall 3rd floor meeting room, 12 East Church Street, Frederick, Maryland 21701.

Approval of minutes – The draft minutes from the January 10, 2018 meeting were emailed to the members before the meeting.

MOTION: Mr. Heller made a motion to approve the minutes as drafted. The motion was seconded by Mr. Glass and the motion was approved unanimously.

Update on employee conflict of interest – At the January 2018 Commission meeting, the Commission directed that a County employee be contacted regarding a conflict of interest resulting from the acceptance of a gift and the need for corrective action. The Commission was informed that the employee has taken the corrective action and provided written documentation of his action.

Update on action taken in response to an advisory opinion – In October 2017, the Commission issued an advisory opinion to an employee who was a candidate for election to an Alderman position in a municipality located within Frederick County. The employee was advised of the need to develop a process for identifying and avoiding conflicts of interest that could result from his dual positions if he were to be elected. The employee has since been elected. He provided a letter to the Ethics Commission describing the steps that he has taken to avoid conflicts of interest. The Commission members discussed the letter and asked that a response be drafted to convey the Commission's thoughts on the steps taken to date and to encourage the employee to seek additional guidance from the Commission as specific questions arise.

Discussion of Ethics Law brochure – A question arose as to whether the pending State bill amending the Public Ethics Law would require a revision to the brochure if the bill is

enacted. Mr. Hess requested that the Bill and the brochure be reviewed so that any necessary changes can be made before the brochure is distributed.

Training plan update – Mr. Glass advised the Commission that a person he has worked with who has experience in developing and implementing ethics training programs will attend the March 14, 2018 Ethics Commission meeting to provide information that the Commission can use to develop a training proposal for County employees and officials. Mr. Hess asked that the Commission members consider in advance of the next meeting how the Commission’s proposal for ethics training should be presented to the County Executive and how such a plan should be implemented.

Distribution of the Public Ethics Report – The Commission received the Public Ethics Report from the Office of the County Executive for July 1, 2017 through December 31, 2017. The legal requirement for the report and the Commission’s role under the Public Ethics Law were discussed. The Commission was advised that the Public Ethics Reports are posted on the Commission’s webpage so that the public has access to the reports.

Discussion of legislative proposals – The Commission discussed whether it would recommend changes to the Public Ethics Law, which is adopted by the State General Assembly, or to the Ethics Law, which is enacted by the County Council, and the timing of any recommendations. The discussion focused on the conflict of interest provisions in the County Ethics Law for contracts with companies employing elected officials and the “use of prestige of office” provision as it applies to private business endeavors by County employees. Any Commission member who wants to propose changes to either law should describe the proposed change in an email to the other Commission members before the Commission’s March meeting.

Discussion of question received relating to an advisory opinion – An employee who received an advisory opinion from the Ethics Commission as to how the Ethics Law would apply to a private business venture asked an additional question regarding the use of materials developed as part of the employee’s County job duties. The Commission concluded that the employee should not use materials that the employee created for the County in the employee’s private business.

Adjournment

MOTION: Mr. Glass made a motion to adjourn the meeting. The motion was seconded by Mr. Canfield and approved unanimously.

The Ethics Commission adjourned its meeting at 8:07 p.m.

/s/
Linda B. Thall, Senior Assistant County Attorney